PUBLIC HEALTH, LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT

NOTIFICATION.

Bangalore, dated 7th April 1965.

G.S.R. 602.—The following draft of the Workmen's Compensation (Mysore) Rules, 1964, which the Government of Mysore proposes to make in exercise of the powers conferred by sub-section (i) of section 32 of the Workmen's Compensation Act, 1923 (Central Act VIII of 1923) is hereby published for information of the persons likely to be affected there by and notice is hereby given as required by sub-section (1) of Section 34 of the said Act that the said draft will be taken into consideration on or after 1st November 1965.

Any objection or suggestion which may be received by the State Government from any person with respect to the aforesaid draft before the date specified above will be considered by the Government. Objections and suggestions may be addressed to the Secretary to Government, Public Health, Labour & Munl. Administration Department, Vidhana Soudha, Bangalore-1.

The Mysore Workmen's Compensation Rules, 1964.

PRELIMINARY.

1. *Short Title* :—These Rules may be called the Mysore Workmen's Compensation Rules, 1964;

2. *Definition* :—In these rules unless the context otherwise requires,—

(*a*) 'Act' means the Workmen's Compensation Act, 1923;

(*b*) 'Form' means form appended to these rules.

(*c*) 'Section' means a section of the Act.

PART I

Review of half-monthly payments and communication thereof.

3. When application may be made without Medical Certificate:—Application for review of a half-monthly payment under section 6 may be made without being accompanied by a Medical Certificate—

(*a*) by the employer, on the ground that since the right to compensation was determined the workman's wages have increased ;

(*b*) by the workman, on the ground that since the right to compensation was determined his wages have diminished ;

(*c*) by the workman, on the ground that the employer having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the workman's condition such as to warrant such cessation ;

(*d*) either by the employer or by the workman, on the ground that in the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means ;

(*e*) either by the employer or by the workman on the ground that in the determination of compensation, there is a mistake or error apparent on the face of the record.

4. Procedure on application for review :—If, on examining an application for review by an employer in which the reduction or discontinuance of compensation is sought, it appears to the Commissioner that there is reasonable ground for believing that there is a right to such reduction or discontinuance, he may at any time issue an order withholding such compensation in whole or in part pending his decision on the application.

Under Section 7

5. Procedure on application for Commutation:—(1) Where application is made to the Commissioner under section 7 for the redemption of a right to receive half monthly payments by the payment of a lumpsum, the Commissioner shall form an estimate of the probable duration of the disablement and shall award a sum equivalent to the total of the half monthly payments which would be payable for the period during which he estimates that the disablement will continue less one half per cent of that total for each month comprised in that period.

Provided that fractions of a rupee included in the sum so computed shall be disregarded.

The application referred to above shall be in Form No. 10.

(2) When in any case to which sub-rule (1) applies, the Commissioner is unable to form an approximate estimate of the probable duration of the disablement, he may from time to time postpone a decision on the application for a period not exceeding two months at any one time.

PART II.

Deposit of Compensation and Registration of Dependents.

Under Section 8 (1) :—
(Rule 6 to 8)

6. Deposit under Section 8 (1) :—(1) An employer depositing compensation with the Commissioner under sub-section (1) of Section 8 in respect of a workman whose injury has resulted in death shall furnish therewith a statement in Form 1, and shall be given a receipt in Form 3.

In other cases of deposits with the Commissioner under sub-section (1) of Section 8, the employer shall furnish a statement in Form 2 and shall be given receipt in Form 3.

(2) If when depositing compensation in respect of total accidents the employer indicates in the statement referred to in sub-rule (1), that he desires to be made a party to the distribution proceedings, the Commissioner shall before allotting the sum deposited as compensation afford to the employer an opportunity of establishing that the person or persons to whom he proposes to allot such sum is not a dependant of the deceased workman ; that no one of such persons is a dependant.

(3) The statement of disbursements to be furnished on application by the employer under sub-section (4) of Section 8 shall be in Form 4.

7. Publication of Lists of Deposits.—The Commissioner shall cause to be displayed in a prominent position outside his office an accurate list of the deposits received by him under sub-section (1) of Section 8, together with the names and addresses of the depositors and of the workmen in respect of whose death or injury the deposits have been made.

8. Application by dependents for deposits of compensation.—(1) A dependent of a deceased workman may apply to the Commissioner for the issue of an order to deposit compensation in respect of the death of the workman. Such application shall be made in Form 9.

(2) If compensation has not been deposited the Commissioner shall dispose of such application in accordance with the provisions of Part V of these Rules :—

Provided that—

(*a*) the Commissioner may, at any time before issues are framed, cause notice to be given in such manner as he thinks fit to all or any of the dependants of the deceased workman who have not joined in the application, requiring them, if they desire to join therein, to appear before him on a date specified in this behalf ;

(*b*) any dependant to whom such notice has been given and who fails to appear and to join in the applications on the date specified in the notice shall not be permitted thereafter to claim that the employer is liable to deposit compensation unless he satisfies the Commissioner that he was prevented by any sufficient cause from appearing when the case was called on for hearing.

(3) If after completing the enquiry into the application, the Commissioner issues an order requiring the employer to deposit compensation in accordance with sub-section (1) of Section 8, nothing in sub-rule (2) shall be deemed to prohibit the allotment of any part of the sum deposited as compensation to a dependant of the deceased workman who failed to join in the application.

Under Section 8 (2).

9. Deposit under Section 8 (2).—An employer depositing compesation in accordance with sub-section (2) of Section 8 shall furnish therewith a statement in Form 5, and shall be given a receipt in Form 6.

Under Section 8 :—

10. Manner in which compensation may be invested under Section 8.—Money in the hands of a Commissioner may be invested for the benefit of the dependants of a deceased Workman in Government Securities or may be deposited in a Government Savings Bank or Post Office Savings Bank as he deems fit.

11. Dependants of the deceased workmen entitled to Compensation.—Workmen coming under the operation of the Act may register with their employer, and with the Commissioner within whose jurisdiction they are employed the names and addresses of their dependants within the meaning of section 2 (1) (d) and in an enquiry for the distribution of the compensation the Commissioner may, in the absence of any other claimant, presume that for the purposes of apportionment of compensation, the persons whose names have been so registered are the dependants of the deceased workman.

PART III

Reports of Accidents

Under Sections 10-A & 10-B.
(Rules 12 and 13)

12. Report of fatal accidents.—(i) the notice under section 10-A shall be in Form 33.

(ii) the statement submitted by the Employer shall be in Form 34.

(iii) the report required by section 10-B, shall be in Form 7.

13. Right of employer to present memorandum when information received.—(1) Any employer who has received information of an accident may at any time, notwithstanding the fact that no claim for compensation has been instituted in respect of such accident present to the Commissioner memorandum, supported by an affidavit made by himself or by any person subordinate to him having knowledge of the facts stated in the memorandum, embodying the results of any investigations or inquiry which has been made into the circumstances or cause of the accident.

(2) A memorandum presented under sub-rule (1) shall subject to the payment of such fee as may be prescribed, be recorded by the Commissioner.

PART IV

Medical Examination

Under Section 11 (1) :—

(Rules 14 *to* 17)

14. Medical Examination of workmen :—A workman who is required by sub-section (1) of section 11 to submit himself for Medical Examination shall be bound to do so in

accordance with the Rules contained in this Part and not otherwise.

15. Examination when workmen and Medical Practitioner are both on premises.—When such workman is present on the employer's premises, and the employer offers to have him examined free of charge by a qualified Medical Practitioner who is so present, the workman shall submit himself for examination forthwith.

16. Examination in other cases.—In cases to which rule 15 does not apply, the employer may:—

(*a*) send the Medical Practitioner to the place where the workman is residing for the time being in which case the workman shall submit himself for Medical Examination on being required to do so by the Medical Practitioner, or

(*b*) send to the workman an offier in writing to have him examined free of charge by a qualified Medical Practitioner, in which case the workman shall submit himself for Medical Examination at the employer's premises or at such other place in the vicinity as is specified in such offer and at such time as is so specified

Provided that—

(1) the time so specified shall not be, save with the express consent of the workman, between the hours of 7 P. M. and 6 A. M., and

(2) in cases where the workmen's condition renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be required to submit himself for Medical Examination save at such place.

17. Restriction on number of examinations.—A workman who is in receipt of a half-monthly payment shall not be required to submit himself for Medical Examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident, or more than once in any subsequent month.

Under Section 11 (2) and (3):—
(*Rules* 18 *and* 19)

18. Examination after suspension of right to compensation:—If a workman whose right to compensation has been suspended under sub-section (2) or sub-section (3) of section 11 subsequently offers himself for Medical Examination, his examination shall take place on the employer's premises or at such other place in the vicinity as may be fixed by the employer, and at a time to be fixed by the employer not being, save with the express consent of the workman, more than 72 hours after the workman has so offered himself.

19. Examination of women.—(1) No woman shall without her consent be medically examined by a male practitioner, save in the presence of another woman.

(2) No woman shall be required to be medically examined by a male practitioner if she deposits a sum sufficient to cover the expenses of examination by a female practitioner.

PART V

Procedure

Under Section 22:—
(*Rules* 20 *to* 23)

20. Introductory.—Save as otherwise provided in these Rules, the procedure to be followed by Commissioners in the disposal of cases under the Act or these Rules and by the parties in such cases shall be regulated in accordance with the Rules contained in this part.

21. Applications.—(1) Any application of the nature referred to in section 22 may be sent to the Commissioner by registered post or may be presented to him or to any of his subordinates authorised by him in this behalf and, if so

sent or presented, shall, unless the Commissioner otherwise directs, be made in duplicate in Form 8 or 9 as the case may be and shall be signed by the applicant.

(2) There shall be appended to every such application a certificate, which shall be signed by the applicant to the effect that the statement of facts contained in the application is to the best of his knowledge and belief accurate.

22. Production of documents.-- (1) When the application for relief is based upon a document, the document shall be appended to the application.

(2) Any other document which any party desires to tender in evidence shall be produced at or before the first hearing.

(3) Any document which is not produced at or within the time specified in sub-rule (1) or (2) as the case may be, shall not without the sanction of the Commissioner be admitted in evidence on behalf of the party who should have produced it.

(4) Nothing in this rule applies to any document which is produced for the purpose of cross-examining a witness or is handed to a witness to refresh his memory.

23. Application presented to wrong Commissioner.—(1) If it appears to the Commissioner on receiving the application that it should be presented to another Commissioner he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reason for returning it and the designation of the Commissioner to whom it should be presented.

(2) If it appears to the Commissioner at any subsequent stage that an application should have been presented to another Commissioner, he shall send the application to the Commissioner empowered to deal with it and shall inform the applicant (and the opposite party if he has received a copy of the application under Rule 27) accordingly.

(3) The Commissioner to whom the application is transferred under sub-rule (2) may continue the proceedings as if the previous proceedings or any part of it had been taken before him, if he is satisfied that the interests of the parties will not thereby be prejudiced.

Under Section 25.—(*Rules* 24 *to* 39)

24. Examination of applicant:—(1) On receiving such application, the Commissioner may examine the applicant on oath, or may send the application to any officer authorised by Government in this behalf and direct such officer to examine the applicant and his witnesses and forward the record thereof to the Commissioner.

(2) The substance of any examination made under sub-rule (1) shall be recorded, in the manner provided for the recording of evidence in section 25.

25. Summary dismissal of application.—(1) The Commissioner may, after considering the application and the result of any examination of the applicant under rule 24 summarily dismiss the application, if, for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon.

(2) The dismissal of the application under sub-rule (1) shall not procluded the applicant from presenting a fresh application.

26. Preliminary inquiry into application.—If the application is not dismissed under rule 25 the Commissioner may, for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon any other party and, if upon considering such evidence the Commissioner is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

27. Notice to opposite party.—If the Commissioner does not dismiss the application under Rule 25 or Rule 26,

he shall send to the party from whom the applicant claims relief (hereinafter referred to as the opposite party) a copy of the application, together with a notice of the date on which he will dispose of the application, and may call upon the parties to produce on that date any evidence which they may wish to render.

28. Appearance and examination of opposite party.—(1) The opposite party may, and if so, required by the Commissioner, shall, at or before the first hearing or within such time as the Commissioner may permit, file a written statement dealing with claim raised in the application, and any such written statement shall form part of the record.

(2) If the opposite party contests the claim, the Commissioner may, and, if no written statement has been filed, shall, proceed to examine him upon the claim, and shall reduce the result of the examination to writing.

29. Framing of Issues.—(1) After considering any written statement and the result of any examination of the parties, the Commissioner shall ascertain upon what material propositions of fact or law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend.

(2) In recording the issues, the Commissioner shall distinguish between those issues which in his opinion concern points of fact and those which concern points of law.

30. Power to postpone trial of issues of fact where issues of law arise :—When issues both of law and of fact arise in the same case, and the Commissioner is of opinion that the case may be disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

31. Diary :—The Commissioner shall maintain under his hand a brief diary of the proceedings on an application.

32. Reasons for postponment to be recorded.—If the Commissioner finds it impossible to dispose of an application at one hearing, he shall record the reasons which necessitate a postponment.

33. Judgement:—(1) The Commissioner, in passing orders, shall record consisely in a judgement his finding on each of the issues framed and his reasons for such findings.

(2) The Commissioner, at the time of signing and dating his judgement, shall pronounce his decision, and thereafter no addition or alteration shall be made to the judgement other than the correction of clerical or arithmetical mistake arising from any accidental slip or omission.

34. Summoning of witnesses:—If an application is presented by any party to the proceedings for the citation of witnesses, the Commissioner shall, on payment of the prescribed expenses and fees, issue summons for the appearance of such witnesses unless he considers that their appearance is not necessary for the just decision of the case.

35. Exemption from payment of costs:—If the Commissioner is satisfied that the applicant is unable, by reason of poverty, to pay the prescribad fees, he may remit any or all of such fees. If the case is decided in favour of the applicant the prescribed fees which, had they not been remitted, would have been due to be paid, may be added to the cost of the case and recovered in such manner as the Commissioner in his order regarding costs may direct.

36. Right of entry for local inspection:—A Commissioner before whom any proceeding relating to an injury by accident is pending may at any time for the purpose of making a local examination enter the place where workman was injured, or where the workmen ordinarily performed his work, or for examining any persons likely to be able to give information relevant to the proceedings;

Provided that the Commissioner shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment, save with the permission of the employer or of some person directly responsible to him for the management of the establishment.

37. Procedure in connection with local inspection:— If the Commissioner proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place he shall give the parties or their representatives notice of his intention to conduct such inspection, unless in his opinion the urgency of the ase renders the giving of such notice impracticable.

(2) Such notice may be given orally or in writing, and in the case of an employer, may be given to any person upon whom notice of a claim can be served under sub-ection (2) of Section 10, or to the representatives of any such person.

(3) Any party, or the representative of any party, may accompany the Commissioner at a local inspection.

(4) The Commissioner after making a local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and on payment of the prescribed fee shall supply any party with a copy thereof

(5) The memorandum shall form part of the record.

38. Power of summary examination:—(1) The Commissioner during a local inspection or at any other time, save at a formal hearing of a case pending before him, may examine summarily any person likely to be able to give information relative to such case whether such person has been or is to be called as a witness in the case or not, and whether any or all the parties are present or not.

(2) No oath shall be administered to a person examined under sub-rule (1).

(3) Statements made by person examined under sub-rule (1), if reduced to writing, shall not be signed by the person making the statement, nor shall they except as therein after provided, be incorporated in the record or utilised by the Commissioner for the purpose of arriving at a decision in the case.

(4) If a witness who has been examined under sub-rule (1) makes in evidence any material statement contradicting any statement made by him in such examination and reduce to writing, the Commissioner may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement, for the purpose of examining or cross-examining the witnesses.

(5) Any statement or part of statement which is furnished to the parties under sub-rule (4) shall be incorporated in the record.

(6) Where a case is settled by agreement between the parties the Commissioner may incorporate in the record any statement made under sub-rule (1), and may utilise such statement for the purpose of justifying his acceptance of or refusal to accept, the agreement reached.

39. Agreement to abide by Commissioner's decision :— (1) If a party states in writing his willingness to abide by the decision of the Commissioner, the Commissioner shall inquire whether the other party is willing to abide by his decision.

(2) If the other party agrees to abide by the Commissioner's decision, the fact of his agreement shall be recorded in writing and signed by him.

(3) If the other party does not agree to abide by the Commissioner's decision, the first party shall not remain under an obligation so to abide.

Under Section 12 (2) :—(*Rules* 40 *to* 41)

40. Procedure where indemnity is claimed under section 12 (2):— (1) Where the opposite party claims that if

compensation is recovered against him, he will be entitled under sub-section (2) of Section 12 to be indemnified by a person not being a party to the case, he shall when first called upon to answer the application present a notice of such claim to the Commissioner accompanied by the prescribed fee, and the Commissioner shall thereupon issue notice to such person in Form 11.

(2) If any person served with a notice under sub-rule (1) desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, he shall appear before the Commissioner on the date fixed for the hearing of the case or on any date to which the case may be adjourned and, if he so appears, shall have all the rights of a party to the proceedings; in default of so appearing he shall be deemed to admit the validity of any award made against the opposite party and to admit his own liability to indemnify the opposite party, for any compensation recovered from him:

Provided that if any person so served appears subsequently and satisfied the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall after giving notice to the aforesaid opposite party, hear such person and may set aside or vary any award made against such person under this rule upon such terms as may be just.

(3) If any person served with a notice under sub-rule (1) whether or not he desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, claims that being a contractor he is himself a principal and is entitled to be indemnified by a person standing to him in the relation of a contractor from whom the workman could have recovered compensation, he shall on or before the date fixed in the notice under sub-rule (1) present a notice of such claim to the Commissioner accompanied by the prescribed fee and the Commissioner shall thereupon issue notice to such person in Form 12.

(4) If any person served with a notice under Sub-Rule (3) desires to contest the applicant's claim for

compensation, or the claim under sub-rule (3) to be indemnified he shall appear before the Commissioner on the date fixed in the notice in Form No. 12 or on any date to which the case may be adjourned and, if he so appears shall have all the rights of a party to the proceedings; in default of so appearing, he shall be deemed to admit the validity of any award made against the orginal opposite party or the person served with a notice under sub-rule (1) and to admit his own liability to to indemnify the party against whom such award is made for any compensation recovered from him :

Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to all parties on the record, hear such person, and may set aside or vary any award made against such person under this rule upon such terms as may be just.

(5) In any proceeding in which a notice has been served on any person under sub-rule (1) or sub-rule (3) the Commissioner shall, if he awards compensation, record in his judgement a finding in respect of each of such persons whether he is or is not liable to indemnify any of the opposite parties, and shall specify the party, if any, whom he is liable to indemnify.

41. Procedure in connected cases :—(1) Where two or more cases pending before a Commissioner arise out of the same accident, and any issue involved is common to two or more such cases, such cases may so far as the evidence bearing on such issues is concerned, be heard simultaneously.

(2) Where action is taken under sub-rule (1), the evidence bearing on the common issue or issues shall be recorded on his hand on the records of any such other case the extent to which the evidence so recorded applies to such other case and the fact that the parties to such other case had the opportunity of being present, and if they were present, of cross-examining the witnesses.

42. Certain provisions of Code of Civil Procedure 1908 to apply :—Save as otherwise expressly provided in the Act or these rules, the following provisions of the First Schedule to the Code of Civil procedure, 1908, namely, those contained in order V : Rules 9 to 30 Order VII, Rules 9 to 18 : Order IX Order XIII : Order XVI : Order XVII : and Order XXIII, Rules 1 to 3, shall apply to proceedings before Commissioners, in so far as they may be applicable thereto : PROVIDED THAT :—

(*a*) for the purpose of facilitating the application of the said provisions the Commissioner may construe them with such alterations not affecting the substance as may be necessary or proper to adopt them to the matter before him ;

(*b*) the Commissioner may, for sufficient reasons proceed otherwise than in accordance with the said provisions, if he is satisfied that the interests of the parties will not thereby be prejudiced.

43. Any form other than a receipt for compensation which is by these rules required to be signed by a Commissioner may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

44. Apportionment of Compensation among dependants.—The provision of this part, except those contained in Rules 27, 28 and 40 shall, as far as may be, apply in the case of any proceedings relating to the apportionment of compensation among dependants of a deceased workman.

PART VI

TRANSFER

Under Section 21 (2) (*Rules* 45 *and* 46)

45. Transfer for report.—(1) A Commissioner transferring any matter to another Commissioner for report in

42. Certain provisions of Code of Civil Procedure 1908 to apply :—Save as otherwise expressly provided in the Act or these rules, the following provisions of the First Schedule to the Code of Civil procedure, 1908, namely, those contained in order V : Rules 9 to 30 Order VII, Rules 9 to 18 : Order IX Order XIII : Order XVI : Order XVII : and Order XXIII, Rules 1 to 3, shall apply to proceedings before Commissioners, in so far as they may be applicable thereto : PROVIDED THAT :—

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PART VI

TRANSFER

Under Section 21 (2) (*Rules* 45 *and* 46)

45. Transfer for report.—(1) A Commissioner transferring any matter to another Commissioner for report in

accordance with sub-secton (2) of Section 21, shall, along with the documents referred to in that sub-section, transmit to such other Commissioner a concise statement in the form of questions for answer, of the matter on which report is required.

(2) A Commissioner to whom a case so transferred for report shall not be required to report on any question of law.

46. Transmission of money:—Money transmitted by one Commissioner to another in accordance with sub-section (2) of section 21 shall be transmitted either by remittance transfer receipt or by money order, or by messenger, as the Commissioner transmitting the money may direct.

PART VII

Appointment of Representatives

47. When representative must be appointed.—Where any party to a proceeding is under the age of 15 years or is unable to make an appearance, the Commissioner shall appoint some suitable person, who consents to the appointment, to represent such party for the purpose of the proceeding.

48. When new representative to be appointed.—If the Commissioner considers that the interests of any party for whom a representative has been appointed under Rule 47 are not being adequately protected by that representative, or if a person appointed to act as representative dies, or becomes incapable of acting, or otherwise ceases to act as such the Commissioner shall appoint in his place another person who consents to the appointment.

PART VIII

RECORD OF MEMORANDUM OF AGREEMENT

Under Section **28** (*Rules* 49 *to* 53)

49. Form of Memorandum.—Memorandum of agreement sent to the Commissioner under sub-section (1) of section 28 shall, unless the Commissioner otherwise directs, be in duplicate, and shall be in as close conformity as the circumstances of the case admit with form 13 or Form 14 or Form 15, as the case may be.

50. Procedure where Commissioner does not consider that he should refuse to record memorandum.—(1) On receiving a memorandum of agreement, the Commissioner shall unless he considers that there are grounds for refusing to record the memorandum fix a date for recording the same, and shall issue a notice in writing in Form 16 to the parties concerned that in default of objections, he proposes to accord the memorandum on the date so fixed.

Provided that the notice may be communicated orally to any parties who are present at the time when notice in writing would otherwise issue.

(2) On the date so fixed the Commissioner shall record the memorandum unless, after hearing any of the parties who appear and desire to be heard, he considers that it ought not to be recorded :

Provided that the issue of a notice under sub-rule(1) shall not be deemed to prevent the Commissioner from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned.

(3) If, on such date the Commissioner decides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reasons thereof and if any party desiring the memorandum to be recorded is not present, he shall send information to the party in Form 17.

51. Procedure where Commissioner considers he should refuse to record memorandum:—(1) If, on receiving a memorandum of aggreement the Commissioner considers that there are grounds for refusing to record the same, he shall fix a date for hearing the party or parties desiring the memorandum to be recorded, and shall inform such party or parties and, if he thinks fit, any other party concerned, of the date so fixed and of the grounds on which he considers that the memorandum should not be recorded.

(2) If the parties to be informed are not present, a written notice shall be sent to them in Form 18 or Form 19 as the case may be, and the date fixed in such notice shall be not less than seven days after the date of the issue of the same.

(3) If, on the date fixed under sub–rule (1), the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to the record of the same, he Commissioner may, if information has already been given to all such parties concerned record the agreement. If information has not been given to all such parties, he shall proceed in accordance with rule 50;

(4) If, on the date so fixed, the Commissioner refuses to record the memorandum, he shall send notice in Form 17 to any party who did not receive information under sub–rule(1).

52. Procedure on refusal to record memorandum:—(1) If, in any case the Commissioner refuses to record a memorandum of agreement, he shall briefly record his reasons, for such refusal.

(2) If the Commissioner refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above the sum specified in the agreement, unless opportunity has been given to the party liable to pay such sum to show cause why it should not be paid.

(3) Where the agreement is for the redemption of half monthly payments by the payment, of a lumpsum, and

the Commissioner considers that the memorandum of agreement should not be recorded by reason of the inadequacy of the amount of such sum as fixed in the agreement, he shall record the estimate of the probable duration of the disablement of the workman.

53. Registration of Memorandum accepted for record:— In recording a memorandum of agreement, the Commissioner shall cause the same to be entered in a register in Form 20 and shall cause an endorsement to be entered under his signature on a copy of the memorandum to be retained by him in the following, terms, namely:—

"This Memorandum of Agreement bearing serial No.....of.....19.....in the Register has been recorded this.....day of.... .....

(Signature)
Commissioner.

PART IX

Costs

Under Section 26

(*Rules 54 to 59*)

54. Procedure when costs do not follow the event:— Where the Commissioner directs that any costs shall not follow the event, he shall state his reasons in writing.

55. Costs to be awarded.—The costs which may be awarded shall include :—

(*a*) The charges necessarily incurred on account of Court Fees.

(*b*) the charges necessarily incurred on substance money to witnesses ; and

(*c*) pleader's fee on the scale prescribed in the following rule.

56. Pleader's Fee:—(a) In any proceeding involving an application for compensation in the form of a lumpsum or for commutation or for indemnification, the pleader's fee allowable shall ordinarily be Rs. 10

(b) The Commissioner may, in any such proceeding for sufficient cause, reduce the fee to a sum not less then Rs. 5 or increase it to a sum not exceeding Rs. 50

(c) In all other applications the pleader's fee shall ordinarily be Rs. 5

The Commissioner may, in any special case, increase the fee to a sum not exceeding Rs. 20

57. Costs when more than one pleader is engaged:—When a party engages more pleaders than one to conduct or defend a case, he shall be allowed one set of costs only.

58. Apportionment of costs among several respondents :— If several respondents, having substantially one defence to make succeed thereon, not more then one fee shall be allowed and the Court shall apportion it among the several respondents in such manner as it may think fit.

59. When separate costs allowed:—If several respondents have separate and distinct defences to make, they may, if successfull, be allowed seperate costs, whether they are represented by separate pleaders or not.

Fees

Under Section 32 (2) (j) :—
(Rules 60 to 63)

60. Fees payable in respect of application:—The fees payable in respect of proceedings under the Act shall be as prescribed hereunder:—

I. Application for compensation.	
(a) Where Compensation is claimed in the form of recurring payments under clause (d) of sub-section (1) of section 4.	Fifty paise
(b) Where compensation is claimed in in the form of a lumpsum under clause (a) (b) or (c) of Sub-section (i) of Section 4.	(i) where the sum claimed does not exceed Rs. 500/ Re. One and (ii) Where the sum claimed exceeds Rs. 500 One Rupee for each sum of Rs. 500 or fraction thereof.
II. Application for commutation under Section 7.	
(a) Where it is by agreement between the parties.	Fifty paise
(b) In any other case	One Rupee
III. Application for the deposit of compensation:—	
When presented under Section 8 (1).	Nil
When presented under Section 8 (2).	Fifty paise
(In respect of each person to whom compensation is payable ‡)	
IV. Application for apportionment of compensation under Section 8 (1).	One Rupee for each dependent.
V. Application for review:—	
(a) Where the review claimed is the continuance, increase, decrease or ending of half-monthly payments under Section 6 (2).	Fifty paise
(b) Where the half-monthly payments are sought to be converted into a lumpsum under section 6 (2).	One Rupee

(c) In all other cases.	One Rupee
VI. Application for the Registration of agreements.—	
(a) Where either the application or the memorandum of agreement accompanying it is signed by both the parties under Section 28.	Nil
(b) In any other case.	Fifty paise.
VII. Application to summon witnesses:—	
(b) When the application is to summon a single witness.	Fifty paise.
(b) When the application is to summon more than one witness.	Fifty paise for the first witness and twenty five paise for every subsequent witness.
VIII. Application for indemnification under Section 13.	Three Rupees
IX. Application for the recovery of compensation.	
(a) Under an order already passed by the Commissioner.	Fifty paise.
(b) In all other cases.	The same fee as is payable on a similar application for Compensatoin.
X. All application not otherwise provided for.	Fifty paise.

61. When application may be without fee :—In the case of any application falling under Head "X" the Commissioner may, if he thinks fit, permit the application to be made without fee.

62. When applicant is required to deposit further fee :—When the Commissioner grants relief of a different kind from or to a greater extent than that claimed by the applicant and if the fee which would have been payable on an application for the relief which the Commissioner grants is greater than the fee which has actually been paid, the Commissioner shall require the applicant to deposit the difference. The order shall not be executed until the difference is paid.

63. Manner of Collecting Fees :—All fees payable under these rules shall be collected in the manner prescribed by the Court Fees Act.

Under Section 32 (2) (k) (Rules 64 to 67)

64. Registers to be maintained by the Commissioner :—The following registers shall be maintained by the Commissioner :—

1. Register in Form 21 of application for the settlement of any matter filed before the Commissioner ;

2. A Register in Form 22 of Subpoena applications filed before the Commissioner.

3. A Register in Form 23 of processes delivered for service on parties.

4. A Register in Form 24 of Court Fees on all applications filed before the Commissioner ;

5. A Register in Form 25 of deposits received from and repayments made to parties.

6. A Register in Form 26 of Miscellaneous applications filed before the Commissioner ; and

7. A Register in Form 27 showing the receipt and disposal of application for copies of records.

65. (1) All applications presented to the Commissioner shall be headed with a cause-title as in Form 28.

(2) All proceedings subsequent to an original application or petition may be headed with a short cause-title as in Form 29.

66. Particulars to be furnished in the application :—The full name, residence and discription of each party and if such is the case, the fact that any party proceeds or is proceeded against in a representative character, shall be set out at the beginning of the application or petition as in Form 30 and need not be repeated in the subsequent proceedings in the same applications or petition.

67. List of documents filed :—Every application shall, at the foot thereof, contain a list to be signed by the applicant or his representative of the documents filed therewith in Form 31 or a statement signed as aforesaid, that no document is filed therewith.

PROCEDURE.

Under Section 32 (2) (c) (Rules 68 to 76)

68. Manner of Presenting applications :—All applications, written statements and other proceedings and documents may be presented to or filed in Court by delivering the same personally to the Chief Ministerial officer of the Court at any time during office hours or by sending them by registered post to that officer. The said officer shall at once endorse on the document the date of presentation or receipts by registered post, and if proceedings are thereby instituted shall insert the serial number.

69. Right of party to inspect and obtain copy of document :— Without prejudice to anything contained in the Act or in the Rules framed thereunder by the Government or in these Rules, a party shall be at liberty to inspect and obtain a copy of any document receipted or referred to in an application or written statement and filed in Court therewith.

70. Procedure for inspecting and obtaining copy of documents :—Every party and his representative desiring to inspect or obtain copy of any proceedings filed in Court by him or any other party or a Commissioner or Officer of Court or any other record relating to the application or matter to which he or his client is a party, shall present a memorandum in Form 32 specifying the proceedings or record of which inspection or copy is required.

71. Form of application for inspection of documents :—An application for inspection or copies of records or documents of, or in the custody of, a Court other than records or documents filed in an application or proceedings or matter to which the applicant is a party shall be made in Form 32 and shall be supported by an affidavit stating whether the applicant has any and if so, what interest in the subject matter of the document or of the proceeding in which the record or document is filed, the purpose for which inspection or copy

is required and if the same is required for the purpose of an intended or pending proceeding, the nature of the said proceeding and the relevancy of the record of document to the case of the applicant.

Discretion of Court to grant copies, etc :—The Court may, in its discretion, grant or refuse leave to inspect or to obtain a copy of the record or document applied for after causing notice of the application to be given to the parties to the said proceedings, if it thinks necessary.

72. Procedure in inspecting documents :—When a person is entitled to inspect a proceeding or document the search thereof shall be made by the Officer of the Court and such person shall be allowed to read the proceedings or document which he is entitled to inspect or to have it read to him and to make a short memorandum of the date and nature thereof so as to enable him to describe it sufficiently in case a copy is required, but except where otherwise expressly provided by these rules he shall not be entitled to take a copy of the proceedings or document or any part thereof or to make extracts therefrom.

73. Certification of copies of documents :—All copies furnished by the Court shall be certified to be true copies and shall be sealed with the seal of the Court. The Chief Ministerial Officer of the Court shall initial every alteration and interlineation in the copy and shall sign a certificate at the foot thereof that the same is a true copy and shall also state the number of alterations and inter lineations made therein.

74. Endorsements of copies of documents :—Every copy shall bear an endorsement showing the following dates :—

1. Application made ;
2. Stamp Papers or charges called for ;
3. Stamp papers or charges deposited ;
4. Copy ready ; and
5. Copy delivered or posted.

75. Fees payable to be in stamp paper :—(1) One Stamp paper of the value of 30 p. shall be brought in for every 175 words or fraction of 175 words.

(2) Four figures shall be taken as equivalent to one word and words in Kannada with Short suffixes and inflections and shall be counted as one word.

(3) Cost of copying maps, plans, genealogical trees tabular statements or other work requiring skilled labour shall be fixed by the Commissioner and deposited in Court in cash.

Provided that the Commissioner may, in the case of poverty of the applicant, grant copies free of cost notwithstanding the provisions contained in sub-rules (1) and (3).

76. Procedure on receipt of application for grant of copies :—(1) On receipt of an application for copies of records or documents, notice shall be given by post to the applicant of the number of stamp papers required and the amount to be deposited in cash.

(2) If the required stamp papers or cash are not received within a fortnight from the date of notice, the application shall be struck off.

(3) The procedure above described shall also apply to calls for additional stamp paper or cash when the first supply has been found to be insufficient.

(4) The applicant may in his application for a certified copy apply that the same may be delivered to him in person or through the post at a specified address and the copies shall be delivered accordingly and if the applicant so required by registered post. If any such copy is not claimed by the applicant within 12 months from the date on which it was ready, the copy shall be destroyed.

(5) If a document of which a copy of inspection is sought is not found on record, the applicant shall be entitled to a certificate to that effect.

(6) If any party or representative wishes to inspect an original record or document with a view to ascertain its probable age or discover erasures or interpollation therein, he shall do so in open Court at the hearing of the application.

Under Section 10 A (i)

77. Form of notice by the Commissioner:—(1) The notice sent by the Commissioner under sub-section (1) of Section 10-A shall be in form 30 and shall be accompanied by a copy of Form 34.

(2) The statement submitted by an employer under Section 10-A shall be in Form 34.

Under Section 32 (2) (1) :

78. Notice Books maintained by establishment:—Notice Books in Form 35 shall be maintained in all establishments specified below wherein 1,000 workmen or more are employed;

(*a*) Textile Mills.
(*b*) Jute Mills.
(*c*) Railway workshops.
(*d*) Distilleries.

Under Section 32 (0) :—

79. Display of notices :—The abstract of the Act required to be displayed in every factory shall be in Form No. 36.

80. Repeal and Savings :—The Bomby Workmen's Compensation Rules 1934, as in force in the Bomby Area, The Hyderabad workmen's Compensation Rules 1351 F as force in Hyderabad area, the Madras Workmen's Compen sation Rules, 1924 as in Madras area and the Mysore Workmen's Compensation Rules 1957 as in force in Mysore area are hereby repeated.

FORM 1.

(*See* Rule 6 (1))

Deposit of Compensation for Fatel Accident.
(Section 8 (1) of the Workmen's Compensation Act).

1. Compensation amounting to Rs.....is hereby presented for deposit in respect of injuries resulting in the death of workman, whose particulars are given below, when occurred on.....

Name..... .....
Father's name..... .....
(Husband's name in case of married woman or widow)..... .....
Religion/Caste.....
Local Address .....
Permanent Address.....

His/Her monthly wages are estimated at Rs ..... He/She was over/under the age of 15 years at the time of his/her death.

2. The said workman, has, prior to the date of his/her death received the following payments as compensation for disablement, namely :—

Rs.....On..... ..... Rs.....On.....
Rs.....On..... Rs.....On.....
Rs.....On..... Rs.....On.....

amounting in all to Rs.....

3. An advance of Rs.....has been made on account of compensation to.....being his/her dependant.

*4. I do not desire to be made a party to the proceedings for distribution of the aforesaid compensation.

.....
Employer.

Date.....196 .

---

*An employer desiring to be made a party to the proceedings should strike out the words " do not ".

FORM 2.

(*See* Rule 6 (1))

Deposit of Compensation for non-fatal accident to a workman or person under legal disability.

(Section 8 (1) of the Workmen's Compensation Act)

Compensation amounting to Rs.....is hereby presented for deposit in respect of injuries sustained by..... .....residing at..... on.....196 , resulting in the loss of/temporary disablement. His/Her monthly wages are estimated at Rs..... He/She was Over/under the age of 15 years at the time of the accident.

2. The said injured workman has prior to the date of the deposit received the following half monthly payments, namely:—

Rs.....On.....	Rs.....On.....
Rs.....On.....	Rs.....On.....
Rs :.....On.....	Rs.....On.....

.....

Employer.

Date.....196 .

FORM 8.

(*See* Rule (6) (1).)

(Deposited under Section 8 (1) of the Workmen's Compensation Act 1923).

Book No: Receipt No: Register No:

Depositor.....

Deceased Workman.....

Date of Deposit.....196 .

Sum Deposited Rs.....

.....

Commissioner.

FORM 4.

[*See* Rule 6 (3)]

Statement of Disbursements.

(Sections 8 (4) of the Workmen's Compensation Act, 1923)

Serial No.....

Depositor.....

Date..... Rs.....

Amount deposited.

.....

Amount deducted and repaid to the employer under the proviso to S. 8 (1).

.....

Funeral expenses paid

.....

Compensation paid to the following dependants.
Name.....relationship.

.....

.....

.....

.....

.....

.....

Total.....

.....

.....

Commissioner.

Date.....196 .

FORM 5

(*See* Rule 9)

Deposit of Compensation for Non-Fatal Accidents.

(Section 8 (2) of the Workmen's Compensation Act 1923)

Compensation amounting to Rs.....is hereby presented for deposit in respect of permanent/temporary injuries sustained by.....residing at.....
.....which occurred on.....196 .

.....

Date.....196 *Employer.*

FORM 6

(*See* Rule 9)

Receipt for compensation.

(Deposited under Section 8 (2) of the Workmen's compensation Act, 1923).

Book No : Receipt No : Register No :

Depositor.....
In favour of.....
Date of Deposit.....19
Sum deposited Rs.....

.....

Commissioner.

FORM 7.

[See Rule 12 (11)]

Report of Serious bodily injury/fatal accidents

To .....

Sir,

I submit herewith the following report of an accident which occurred on ..... (Date), at..... (here-enter details of permises) ..... and which resulted in the death/serious bodily injury of the workman/workmen of whom particulars are given in the statement annexed.

2. The circumstances attending the death/serious bodily injury of the workman/workmen were as under:—

(*a*) Time of the accident.

(*b*) Place where the accident occurred.

(*c*) Manner in which deceased was/were employed at the time.

(*d*) Cause of the accident.

(*e*) Any other relevant particulars.

Yours faithfully,

.....

Signature and Designation of person making the report.

STATEMENT.

Name	Sex	Age	Nature of Employment	Full postal Address
1	2	3	4	5

FORM 8

(*See* Rule 21)

APPLICATION FOR COMPENSATION BY WORKMAN.

TO

The Commissioner for Workmen's Compensation.

.....

Residing at..... .....applicant.

Versus.

....

Residing at..... Opposite party.

It is hereby submitted that—

(1) the applicant, a workman employed by the opposite party on the..... .....day of.....19..... received personal injury by accident arising out of and in the course of his employment.

The cause of the injury was (here insert briefly in ordinar language the cause of the injury) .....

....

(2) The applicant sustained the following injuries, namely.....

.. ..

(3) The monthly wages of the applicant amounted to Rs..... the applicant is over/under the age of 15 years.....

(4) * (a) Notice of the accident was served on the..... day of.....

(b) Notice was served as soon as practicable.

(c) Notice of the accident was not served (in due time) by reason of.....

(5) The applicant is accordingly entitled to receive :—

(a) half monthly payments of Rs.....from the .. ..day of .....19.....to.....

(b) a lumpsum payment of Rs.....

(6) The applicant has taken the following steps to secure a settlement by agreement, namely.....but it was proved impossible to settle the questions in dispute because..... .....

---

* You are therefore requested to determine the following questions in dispute namely :—

(*a*) Whether the applicant is a workman within the meaning of the Act.

(*b*) Whether accident arose out of and in the course of the applicant's employment.

(*c*) Whether the amount of compensation claimed is due, or any part of that amount.

(*d*) Whether the opposite party is liable to pay such compensation as is due.

(*e*) etc., (as required).

.....

APPLICANT.

Date.....

FORM 9.

(*See* Rules 8 and 21)

APPLICATION FOR ORDER TO DEPOSIT COMPENSATION

To

The Commissioner for Workmen's Compensation.

.....

Residing at .... applicant.

VERSUS

....

residing at ..... opposite party.

It is hereby submitted that—

1 ..... a workman employed by (a contractor with) the opposite party on the ..... . day of ..... arising out of and in the course of his employment resulting in his death on the .... date of 19

The cause of the injury was (here insert briefly in ordinary language the cause of the injury .....

2 The applicant (s) is/are dependant (s) of the deceased workman being his .....

3 The monthly wages of the deceased amount to Rs..... The deceased was over/under the age of 15 years at the time of his death.

*4 (*a*) Notice of the accident was served on the ..... day of 19

(*b*) Notice was served as soon as practicable.

(*c*) Notice of the accident was not served (in due time) by reason of .....

5 The deceased before his death received as compensation the total sum of Rs.....

6 The applicant (s) is/are accordingly entitled to receive a lumpsum payment of Rs.....

7 The applicant (s) has/have requested the opposite party to deposit compensation and the latter has refused/omitted to do so.

---

*You are therefore requested to determine the following questions in dispute, namely :—

(*a*) whether the deceased was a workman within the meaning of the Act.

(*b*) whether the accident arose out of and in the course of the deceased's employment.

(*c*) whether the amount of compensation claimed is due, or any part of that amount.

(*d*) whether the opposite party is liable to pay such compensation as is due.

(*e*) whether the applicant (s) is/are dependant (s) of the deceased.

(*f*) How the compensation, when deposited should be distributed.

(*g*) etc ..... (as required)

.....

Date..... 19 Applicant.

FORM 10.

(*See* Rule 5)

APPLICATION FOR COMPENSATION.

(Under Section 7 of the Workmen's Compensation Act 1923)

To

The Commissioner for Workmen's Compensation.

.....

Residing at ..... opposite party.

It is hereby submitted that—

1. The applicant (opposite party) has been in receipt of half-monthly payments from ..... to ..... in respect of temporary disablement by accident arising out of and in the course of his employment.

2. The applicant is desirous that the right to receive half-monthly payments should be redeemed.

3. (a) The opposite party is unwilling to agree to the redemption of the right to receive half-mothly payments.

(b) the parties have been unable to agree regarding the sum for which the right to receive half-monthly payment should be redeemed.

You are therefore requested to pass orders—

(a) directing that the right to receive half-monthly payments should be redeemed.

(b) fixing a sum for the redemption of the right to receive half-monthly payments.

Date..... ..... Applicant.

FORM 11

(*See* Rule 40)

NOTICE.

Whereas a claim for compensation has been made by..... applicant against .....and that said.....has claimed that you are liable under section 12(2) of the Workmen's Compensation Act, 1923 to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may appear before me on.....and contest the claim for compensation made by the said applicantor the claim for indemnity made by the opposite party. In default of your appearance, you will be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.

Date .....19 .

.....

Commissioner.

FORM 12

[See Rule 40(3)]

Notice.

Whereas a claim for compensation has been made by .....
.....applicant, against.....
and the said..... .....has claimed that.....
is liabe under Section 12(2) of the Workmen's Compensation Act, to indemnify him against any claim, and whereas the said.....
.....on notice served has claimed that you .....
.. ... stand to him to the relation of a contractor from whom the applicant.....could have recovered compensation you are hereby informed that you may appear before me on.....
.....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the said applicant or the claim for indemnity made by the opposite party.....
..... In default of your appearance you will be deemed to admit the validity of any award made against the opposite party
.....your liability to indemnify the opposite party.....
.....for any compensation recovered for him.

Date..... 19 .

.....
Commissioner.

FORM 13

(*See* Rule 49)

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the ..... day of .....19 , personal injury was caused to..... .....residing at ..... by accident arising out of and in the course of employment in .....The said injury has resulted in temporary disablement to the said workman whereby it is estimated that he will be prevented from earning more than his previous any wages for a period of..... months, The said workman has been in receipt of half-monthly payments which have continued from the .....day of .....19 , until the .....day of.....19 , amounting to Rs ..... in all. The said workman's monthly wages are estimated at Rs ..... The workman is over the age of 15 years/will reach the age of 15 years on.....

It is further submitted that ..... the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs.....in full settlement of all and every claim under the Workmen's Compensation Act, 1923, in respect of all disablement of a temporary nature arising out of the said accident whether now or hereafter to become manifest. It is therefore requested that this memorandum be duly recorded.

Date .....

Signature of Employer.. .....

Witness. .....

Signature of Workman.... .....

Witness... .....

(Note: --An application to register an agreement can be presented under the signature of one party, provided that the

other party has agreed to the terms. But both signatures should be appended whenever possible.

.....

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of.....

....

Date .....19 . Signature or thumb impression of Workman.

The money has been paid and this receipt signed in my presence.

Witness.....

NOTE :—This form may be varied to suit special cases, *e.g.*, injury by occupational disease, agreement when workman is under legal disability, etc.

FORM 14.

(*See* Rule 49)

MEMORANDUM OF AGREEMENT

It is hereby submitted that on the..... day of.....19 , personal injury was caused to..... residing at..... by accident arising out of and in the course of his employment in..... The said injury has resulted in permanent disablement to the said workman of the following nature, namely ..... The said workman's monthly wages are estimated at Rs..... The workman is over the age of 15 years/will reach the age of 15 years on..... The said workman has, prior to the date of this agreement, received the following payments, namely :—

Rs.....on..... Rs .....on.....
Rs.....on.....Rs.....on.....
Rs .....on .....Rs.....on.....

It is further submitted that ..... the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs.....in full, settlement of all and every claim under the Workmen's Compensation Act, 1923, in respect of the disablement stated above and all disablement now manifest. It is therefore requested that this memorandum be duly recorded.

Dated..... Signature of employer.....

Witness.....

Signature of Workman.....

Witness.....

....

NOTE :—An application to register an agreement can be presented under the signature of one party provided that the other

party has agreed to the terms. But both signatures should appended, whenever possible.

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of Rs.....

Date..... Signature or thumb impression of the workman.
The money has been paid and this receipt signed in my presence.

Witness.....

NOTE :—This form may be varied to suit special cases *e.g.*, injury by occupational disease, agreement when workman is under legal disability, etc.

FORM 15.

(*See* Rule 49)

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the..... date of.....19 ..... personal injury was caused to..... residing at ....by accident arising out of and in the course of employment in.....The said injury has resulted in temporary disablement to the said workmen, who is at present in receipt of.....wages amounting to Rs..... per month/on wages. The said workmen's monthly wages prior to the accident are estimated at Rs. ..... The workman is subject to a legal disability by reason of.....

It is further submitted that.....the employer of the workmen has agreed to accept half-monthly payments at the rate of Rs.....for the period of the said temporary disablement. This agreement is subject to the conditions that the amount of half-monthly payment may be varied in accordance with the provisions of the Workmen's Compensation Act on account of an alteration in the earning of the said workman during disablement. It is further stipulated that all rights of commutation under Section 7 of the said Act are unaffected by this agreement. It is therefore requested that this memorandum be duly recorded.

Dated.....19 . Signature of employer .....

Witness.....

Signature of workman.....

Witness.....

NOTE.—An application to register an agreement can be presented under the signature of one party provided that the other party has

agreed to terms. But both signatures should be appended, whenever possible.

Receipt (to be filled in when the money has actually been paid)

In accordance with the above agreement, I have this day received the sum of Rs .....

.....

Signature or thumb impression of the workman.

Date .....19 .

This money has been paid and this receipt signed in my presence.

Witness .....

NOTE :—This form may be varied to suit special cases, *e. g.*, injury by occupational disease, etc.

FORM 16.

(*See* Rule 50)

WHEREAS AN agreement to pay compensation is said to have been reached between..... and.....and whereas..... .....has/have applied for registration of the agreement under Section 28 of the Workmen's Compensation Act notice is hereby given that the said agreement will be taken into consideration on.....19 . and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections, it is my intention to proceed to the registration of the agreement.

.....

Date..... ...19 *Commissioner.*

FORM 17.

(*See* Rule 50 (3) & 51 (4)

Take notice that registration of the agreement to pay compensation said to have been reached between you ..... and..... on the .....19 , has been refused for the following reasons, namely :—

. .....

Date.....19 .....

Commissioner.

FORM 18.

(*See* Rule 51 (2)

Whereas an agreement to pay compensation is said to have been reached between.....and.....and whereas..... .... has/have applied for registration of the agreement under Section 28 of the Workmen's Compensation Act, and whereas it appears to me that the said agreement ought to be registered for the following reasons, namely :—

....

an opportunity will be afforded to you of showing cause on..... ....19 .....why the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will be refused.

Date 19

.....

Commissioner.

FORM 19.

(*See* Rule 51 (2)

Whereas an agreement to pay compensation is said to have been reached between.....and whereas has/have applied for registration of the agreement under Section 28 of the Workmen's Compensation Act, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :—

.....

an opportunity will be afforded to the said.....of showing cause on.....19.....why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

Date 19

.....

Commissioner.

FORM 20.

(*See* Rule 53)

Register of Agreement for the year 19 .

Sl. No.	Date of agreement	Date of Registration.	Employer.	Work-man.	Initials of Commissioner.	Reference to orders rectifying the Registration.

Dated .....

.....

Commissioner.

FORM 21.

(*See* Rule 64)

Register of applications of the settlement of any matter under the workmen's compensation Act XIV of 1923 in the year...

(1) Date of presentation or receipt of application.	
(2) Number of application.	
(3) Name (4) Description (5) Address	of applicant.
(6) Name (7) Description (8) Address	of the opposite party
(9) Particulars (10) Amount of value (11) When the cause of action accrued.	of claim.

Appearances :

(12) Applicant. (13) Opposite party	Day for parties to appear
(14) Date (15) For whom (16) For What or amount	Judgement.
(17) Date of decision (18) Judgement in	Appeal.
(19) Date of application (20) Date of order. (21) Against whom (22) For what. (23) Amount, if any (24) Amount of costs.	Execution,
(25) Amount paid into court (26) Minute of other return than payment and date of every return.	Return of execution.

NOTE :—Where there are numerous applications or numerous opposite parties the name of the first applicant or the first opposite party, only as the case may be, need be entered in the Register.

FORM 22

(*See* Rule 64)

Register of sub-poena applications filed in the Court of the Commissioner for Workmen's Compensation

	1	Sl. No. and date of receipt	
	2	Settlement application number.	
	3	Applicant's name	
	4	Appl'cant's position in the setl.ment application	
	5	Process fees	
	6	Checking officer's initials	
	7	Date of hear'ng	
	8	Date of issue	
	9	Names of witnesses	
	10	Batta deposited	
	11	To whom delivered for Service and date of payment.	
	12	Mode of service	
	13	Date of Return	Unexpected Bata
	14	Amount	
	15	Date of payment to Treasurer and his initials	
	16	Remarks	

FORM 23

(*See* Rule 64)

Register of Process delivered for service.

Sl. No.	Settlement application number.	Nature of process	Number of copies	Date of delivery for service.	Returnable date	When returned	Mode of Service		Initials of Clerks	Remarks
							Served	Un-served.		
1	2	3	4	5	6	7	8(a)	8(b)	9	10

FORM 24

(See Rule No. 64)

Register of Court fees on applications filed in the Court of the Commissioner for workmen's compensation

Sl. No.	Settlement application number	Nature of application	Court fee	Process Fees	Search Fees	Remarks
1	2	3	4	5	6	7
			Rs. P.	Rs. P.	Rs. P.	

FORM 25

(*See* Rule 64)

Register of deposits received Form and re-payments made to parties

Receipts :

(1) Date.
(2) Number of each deposit.
(3) Reference to application.
(4) From whom received and position of depositor.
(5) Nature of each deposit.
(6) Amount of each deposit.
(7) Initials of the Chief Ministerial Officer.

Re-payments :

(8) Date.
(9) To whom and position of receiptent.
(10) Reference to and date of Commissioner's Order ordering re-payment.
(11) Amount and whether paid in cash or by cheques.
(12) Intials of the Chief Ministerial Officer.

FORM 26

(*See* Rule No. 64)

Statement showing the number of miscellaneous applications filed in the Court of the Commissioner for Workmen's Compensation

Sl No.	Application number	Date of file	Nature of applications	Date of hearing	Date of disposal	Orders
1	2	3	4	5	6	7

FORM NO. 27.

(*See* rule 64)

Register showing the Receipt and disposal of applications for copies in the Court of the Commissioner on Workmen's Compensation.

Month and date	General number	No. of application	Name of applicant	Description of paper	Charges			Given to copyist		Given to Examiner		Copy ready			Date of delivery of copy and return of unused stamps	Signature of Applicant
					When called for	When deposited	No of stamps	Date	Initials	Date	Initials	Date	No of stamps Used	No of stamps Not used		

FORM 28

(*See* Rule 65)

In the Court of the Commissioner for Workmen's Compensation

Application No.....of.....19.....

BETWEEN

(1).....and (2).....Applicants

and

(2).....and (2).....Opposite parties

FORM 29

[*See* Rule 65(2)]

SHORT CAUSE TITLE

In the Court of the Commissioner for Workmen's Compensation

Application No..... of..... .....19.....

BETWEEN

(1).....and... . .....others.....Applicant,

and

(2).....and.....others.....Opposite parties.

FORM 30

(See Rule 66)

(Cause Title)

APPLICATION

The above named applicants state as follows:—

(1) .....the first applicant is a workman and resides at.....

(2) .....The address of the applicants for service of all notices and process is.....

(3) .....the first named opposite party is the employer of.....and resides at.....

(4) (Set out the facts showing the cause of action, in consecutive numbered paragraphs).

(5) The applicants estimate value of the relief sought by them at the sum of Rs.....

(6) The applicants pay that.....

(a) Set out reliefs claimed in successive paragraphs.....

FORM 31
(*See* Rule 67)

List of Documents under Rule..... ..
(Clause Title)

Sl. No.	Date, if any, of document in Kannada and in English	Parties to the document	Description of document

Signed.....

Applicant or (opposite party) or pleader or representative of the applicant or opposite party.

FORM 32
(*See* Rules 70 and 71)

Form of Application for Search of Records

To
The Commissioner for Workmen's Compensation.....
The undersigned hereby applies for inspection

Name and address of applicant in full	Description of records as far as possible	Whether copy of inscription is required	Purpose for which inscription or copy is required	Order of court if any, under which application is made
1	2	3	4	5

Dated.....19

Signature of Applicant.

FORM 33

[*See* Rule 12 (1)]

Whereas I have received information that*.....
a workman employed by you in.....at.....
has died as the result of an accident arising out of and in the course of his employment, I hereby require you in accordance with Section, 10-A of the Workmen's Compensation Act, 1923, to submit to me within thirty days of the receipt of this notice a statement in the enclosed form with the particulars required in paragraphs 1 and 2 and the particulars required either in paragraph 3 or in paragraph 4, duly filled in. In the event of your admitting liability to pay compensation, the necessary deposit must, under section 10-A (2) of the Act, be made within thirty days of the receipt of this notice.

Commissioner for Workmen's
Compensation.

FORM 34

[*See* Rule 12 (ii)]

In reply to your notice, dated the.....19, which was received by me on the..... .....19, it is submitted that.....
.....residing at.....a workman over/under 15 years of age employed in .... met with an accident on the,..... .....19 as result of which he died/received serious bodily injury on the..... .....19 . The monthly wages of the deceased amounted to Rs.....

2. The circumstances in which the deceased met his death/received serious bodily injury were as follows :—

(One of these paragraphs to be struck out).

3. I admit liability to pay as compensation, on account oft he deceas d's death/seriously bodily injury, the amount of Rs.....which was/will be deposited with you on/before the..... 19

4. I disclaim libility to pay compensation on account of the deceased's death/serious bodily injury, on the following grounds :

5. The names and addresses of the dependants of the deceased so far as known to us are—

FORM 35

(*See* rule- -78)

Form of Notice Book required to be maintained under Section 10(3) of the Workmen's Compensation Act, 1923.

Date of accident and time, if known	Name of workman injured	Address of workman injured	Cause of injury	Date and time of Notice	Thumb impression or signature of person giving notice.
1	2	3	4	5	6

FORM NO. 36.

(Prescribed under Ru'e 79)

Abstract of the Workmen Compensation Act 1932.

Interpretation.

(*i*) *Dependent means*—Any of the following relatives of a deceased workman, namely :—

(i) a widow, a minor legitimate son, and unmarried legitimate daughter, or a widowed mother ; and

(ii) If wholly dependent on the earnings of the workman at the time of his death, a son or a daughter who has attained the age of 18 years and who is infirm ;

(iii) If wholly or in part dependent on the earnings of the workman at the time of his death

(a) Widower,

(b) a parent other than a widowed mother,

(c) a minor illegitimate son, an unmarried illegitimate daughter or a daughter legitimate or illegitimate if married and a minor or if widowed and a minor,

(d) a minor brother cr an unmarried sister or a widowed sister if a minor.

(e) a widowed daughter in-law.

(f) a minor child or a pre deceased son,

(g) a minor child of a pre-deceased daughter where no parent of the child is alive, or

(h) a paternal grand parent if no parent of the workman is alive ;

(*ii*) "*Partial disablement means.*—Where the disablement is of a temporary nature such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time provided that every injury specified in Schedule I shall be deemed to result in permanent partial Disablement ;

(*iii*) *Total disablement means.*—Such disablement, where of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement ; provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in Schedule I where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries, amounts to one hundred per cent ;

Section 2(n) Workmen covered Workman means.—Any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business) who is

(i) a railway servant as defined in section 3 of the Indian Railway Act, 1890, not permanently employed in any administrative, district or sub-divisional office of a railway and not employed in any such capacity as is specified in Schedule II, or

(ii) Employed on monthly wages not exceeding four hundred repuees, in any such capacity as is specified in Schedule II annexed hereto.

SCHEDULE II.

[*See* Section 2 (1) (n)]

List of persons who, subject to the provisions of Section 2 (1) (n) are included in the definition of workmen.

The following persons are workmen within the meaning of of Section 2 (1) (n) and subject to the provisions of that Section, that is to say, any person who is—

(i) employed, otherwise than in a clerical capacity or on a railway, in connection with the operation or maintenance of a lift or a vehicle propelled by steam or other mechanical power or by electricity or in connection with the loading or unloading of any such vehicle ; or

(ii) Employed, otherwise than in a clerical capacity, in any premises wherein or within the precincts whereof a manufacturing process as defined in clause (k) of section 2 of the Factories Act, 1948, is being carried on, or in any kind of work whatsoever

incidental to or connected with any such manufacturing process or with the article made, and steam, water or other mechanical power or electrical power is used; or

(iii) Employed for the purpose of making, altering, repairing ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises wherein or within the precincts where of twenty or more persons are so employed; or

(iv) Employed in the manufacture of handling of explosives in connection with the employer's trade of business; or

(v) Employed, in any mine as defined in clause (j) of section 2 of the Mines Act, 1952, in any mining operation or in any kind of work, other than clerical work, incidental to or connected with any mining operation or with the mineral obtained, or in any kind of work whatsoever below ground; or

(vi) Employed as the master or as a seaman of—

(a) any ship which is propelled wholly or in part by steam or other mechanical power or by electricity or which is towed or intended to be towed by a ship so propelled: or

(b) any ship not included in sub-clause (a), of twenty-five tons net tonnage or over; or

(c) any sea-going ship not included in sub-clause (a) or sub-clause (b) provided with sufficient area for navigation under sails alone; or

(vii) Employed for the purpose of—

(a) loading, unloading, fuelling, constructing, reparing, demolishing, cleaning, or painting any ship of which he is not the master or a member of the crew, or handling or transport within the limits of any port subject to the Indian Ports Act, 1908, of goods which have been dis-charged from or are to be loaded into any vessel;

(b) warping a ship through the lock; or

(c) mooring and unmooring ships at harbour wall berths or in pier; or

(d) removing or replacing dry dock caisoons when vessels are entering or leaving dry docks; or

(e) The docking or undocking of any vessel during an emergency ; or

(f) preparing splicing coir springs and check wires, paiting depth marks on lock-sides removing or replacing fenders whenever necessary, landing of gangways, maintaining life-buoys up to standard or any other maintenance work of a like nature ; or

(g) any work on jolly-boats for bringing a ship's line to the wharf ; or

(viii) Employed in the construction, maintenance, repair or demolition of—

(a) any building which is designed to be or is or has been more than one storey in height above the ground or twelve feet or more from the ground level to the apex of the roof ; or

(b) any dam or embankment which is twelve feet or more in height from its lowest to its highest point ; or

(c) any road, bridge, tunnel or canal ; or

(d) any warf, quay, sea-wall or other marine work including any moorings of ships ; or

(ix) employed in setting up, maintaining, repairing or taking down any telegraph of telephone line or post or any overhead electric line or cable or post or standard or fittings and fixtures for the same ; or)

(x) employed, otherwise than in a clerical capacity, in the construction, working repair or demolition of any aerial vopeway, canal, pipeline, or sewer ; or

(xi) employed in the service of any fire brigade ; or

(xii) employed upon a railway as defined in clause (4) of Section 3 and sub-section (1) of section 148 of the Indian Railways Act, 1890, either directly or through a sub-contractor by a person fulfilling a contract with the railway administration ; or

(xiii) Employed as an inspector, mail guard, sorter or van peon in the Railway Mail Service, (or as a telegraphist or as a postal or railway signaller) or employed in any occupation ordinarily involving outdoor work in the Indian posts and Telegraphs Department ; or

(xiv) employed, otherwise than in a clerical capacity, in connection with operation for winning natural petroleum or natural gas; or

(xv) employed in any occupation involving blasting operations; or

(xvi) employed in the making of any excavation in which on any one day of the preceeding twelve months more than (twenty-five) persons have been employed or explosives have been used, or whose depth from its highest to its lowest point exceeds (twelve) feet; or

(xvii) employed in the operation of any ferry boat capable of carrying more than ten persons; or

(xviii) employed, otherwise than in a clerical capacity, on any estate which is maintained for the purpose of growing cinchona, coffee, rubber or tea, and on which on any one day in the preceeding twelve months twenty-five or more persons have been so employed; or

(xix) employed, otherwise than in a clerical capacity, in the generating, transforming or supplying of gas; or

(xx) employed in a lighthouse as defined in clause (d) of section 2 of the Indian Lighthouse Act, 1927; or

(xxi) employed in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures; or

(xxii) employed in the training, keeping, or working or elephants or wild animals; or

(xxiii) employed in the tapping of palm-trees or the felling or logging of trees, or the transport of timber by inland waters, or the control or extinguishing of forest fires; or

(xxiv) employed in operations for the catching or hunting of elephants or other wild animals; or

(xxv) employed as a diver; or

(xxvi) employed in the handling or transport of goods in, or within the precincts of,—

(a) any warehouse or other place in which goods are stored, and in which on any one day of the preceeding

twelve months ten or more persons have been so employed, or

(b) any market in which on any one day of the preceeding twelve months (fifty) or more persons have been so employed; or

(xxvii) employed in any occupation involving the handling and manipulation of radium or X-rays apparatus, or contract with radio-active substance ; or

(xxviii) employed in or in connection with the construction, erection, dismantling, operation or maintenance of an aircraft as defined in section 2 of the Indian Aircraft Act, 1934; or

(xxix) employed in farming by tractors or other contrivances driven by steam or other mechanical power or by electricity; or

(xxx) employed, otherwise than in a clerical capacity, in the construction, working, repair or maintenance of a tube-well; or

(xxxi) employed in the maintenance, repair or renewal of electric fittings in any building; or

(xxxii) employed in a circus.

Explanation—In this Schedule, "the preceeding twelve months" relates in any particular case to the twelve months ending with the day on which the accident in such case occurred).

Whether the contract of employment was made before or after the passing of this Act and whether such contract is expressed or implied, oral or in writing; but does not include any person working in the capacity of a member of (the Armed Forces of the Union) and any reference to a workman who has been injured shall where the workman is dead, include a reference to his dependants or any of them.

SCHEDULE II.

Section 3 (*i*) ***Employer's liability for compensation***—(1) If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Chapter:

Provided that the employer shall not be so liable—

(*a*) in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding three days;

(*b*) in respect of any injury not resulting in death, caused by an accident which is directly attributable to—

(i) the workman having been at the time thereof under the influence of drink or drugs, or

(ii) the wilful disobedience of the workman to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of workmen, or

(iii) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workmen.

Section 4 (*i*) *Amount of Compensation*—

Subject to the provisions of this Act, the amount of compensation shall be as follows, namely:—

(*a*) Where death results from the injury and the deceased workman has been in receipt of monthly wages falling within limits shown in the first column of Schedule IV the amount shown against such limits in the second column thereof;

(*b*) Where permanent total disablement results from the injury and the injured workman has been in receipt of monthly wages falling within the limits shown in the first column of Schedule IV the amount shown against such limits in the third column thereof.

(*c*) Where permanent partial disablement results from the injury—

(i) in the case of an injury specified in Part Z of Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and

(ii) in the case of injury not specified in Schedule I, such percentage of the compensation payable in the case of

permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury;

Explanation.—Where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries;

(*d*) Where temporary disablement, whether total or partial, results from the injury and the injured workman has been in receipt of monthly wages falling within limits shown in the first column of Schedule IV a half monthly payment of the sum shown against such limits in the fourth column thereof, payable on the sixteenth day—

(i) from the date of the disablement, where such disablement lasts for a period of twenty-eight days or more, or

(ii) after the expiry of a waiting period of three days from the date of disablement where such disablement lasts for a period of less than twenty-eight days.

and therefore half-monthly during the disablement or during a period of five years, whichever period is shorter;

Provided that—

(*a*) There shall be deducted from any lumpsum of half monthly payments to which the workman is entitled the amount, of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lumpsum or of the first half-monthly payment, as the case may be; and

(*b*) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages which he is earning after the accident.

Explanation.—Any payment or allowance which the workman has received from the employer towards his medical treatment shall not be deemed to be a payment or allowance received by him by way of compensation within the meaning of clause (a) of the proviso.

(2) on the ceasing of the disablement before the date on which any half-monthly payment falls due, there shall be payable in respect of that half-month a sum proportionate to the duration of the disablement in that half-month.

SCHEDULE-I.

[*See* Section 2 (1) and (4).]

List of Injuries deemed to result in permanent partial disablement.

Sl. No.	Description of injury	Percentage of loss of earnings capacity
1	2	3
	Part I	
1	Loss of both hands or amputation at higher sites	100
2	Loss of a hand and a foot	100
3	Double amputation through leg or thigh, amputation through leg or thigh on one side and loss of other foot	100
4	Loss of sight to such an extent as to render the claimant unable to perform any work for which eye sight is essential	100
5	Very severe facial disfigurement ...	100
6	Absolute deafness	190
	Part II	
	Amputation cases upper limbs (either arm)	
1	Amputation through shoulder joint ...	90
2	Amputation below shoulder with stump less than 8 from tip of acromion	80
3	Amputation from 8" from tip of acromion to less than 4½" below tip of olecranon ...	70
4	Loss of hand or of the thumb and four fingers of one hand or amputation from 4½" below tip of olecranon	60
5	Loss of thumb and its metacarpal bone ...	30
6	Loss of thumb and its metacarpal bone ...	40
7	Loss of four fingers of one hand	50
8	Loss of three fingers of one hand ...	30
9	Loss of two fingers of one hand	20
10	Loss of terminal phalanx of thumb ...	20
	Amputation cases–lower limbs.	
11	Amputation of both feet resulting in end bearing stumps	90
12	Amputation through both feet proximal to the metatarso phalangeal joint	80
13	Loss of all toes of both feet through the metatarso, phalangeal joint	40
14	Loss of all toes both feet proximal to the proximal interphalangeal joint	30

1	2	3
15	Loss of all toes of both feet distal to the proximal interphalangeal joint	20
16	Amputation at hip	90
17	Amputation below hip with stump not exceeding 5″ in length measured from tip of great trenchanter	
18	Amputation below hip with stump exceeding 5″ in length measured from tip of great trenchanter but not beyond middle thigh ..	70
19	Amputation below middle thigh to 3½″ below knee	60
20	Amputation below knee with stump exceeding 3½″ but not exceeding 5″ ...	50
21	Amputation below knee with stump exceeding 5″	40
22	Amputation of one foot resulting in endbearing ...	30
23	Amputation through one foot proximal to the metatarsophalangeal joint	30
24	Loss of all toes of one foot through the metatarsophalangeal joint	20
	Other injuries.	
25	Loss of one eye, without complications, the other being normal	
26	Loss of vision of one eye, without complications or disfigurement of eye ball, the other being normal	
	Loss of	
	A—Fingers of right or left hand. Indes Finger.	
27	Whole	14
28	Two phalanges	11
29	One phalanx	9
30	Guillotine amputation of tip without loss of bone...	5
	Middle Finger.	
31	Whole	12
32	Two phalanges	9
33	One phalanx	7
34	Guillotine amputation of tip without loss of bone...	4
	Ring or little Finger.	
35	Whole	
36	Town Phalanges	

1	2	3
37	One phalanx ...	5
38	Guillotine amputation of tiwithout loss of bone ...	2
	B—Toes of right or left foot Great toe.	
39	Through metatarso phalangeal joint ...	14
40	Part, with some loss of bone	3
	Any other toe	
41	Through metatarso-phalangeal joint ...	
42	Part, with some loss of bone	
	Two toes of one foot, excluding great toe.	
43	Through metatarso phalangeal joint ...	
44	Part, with some loss of bone	
	Three toes of one foot, excluding great toe.	
45	Through metatarso phalangeal joint ...	6
46	Part, with some loss of bone	3
47	Through metatarso phalangeal joint ...	9
48	Part, with some loss of bone	3

SCHEDULE IV.

(*See* Section 4)

Compensation Payable in Certain Cases.

Monthly wages of the Workman injured		Amount of compensation for		Half-monthly payment as compensation for temporary disablement.
		Death	Permanent total Disablement	
1	2	3		4
More than	But not more than			
Rs.	Rs.	Rs.	Rs.	Rs. P.
0	10	1.000	1,400	Half his monthly wages
10	13	1,100	1,540	Do
13	18	1,200	1,680	6 50
18	21	1,260	1,764	7 00
21	24	1,440	2,016	8 00
24	27	1,620	2,268	8 50
27	30	1,800	2,520	9 50
30	35	2,100	2,940	9 50
35	40	2,400	3,360	10 00
40	45	2,700	3,780	13 00
45	50	3,000	4,200	13 00
50	60	3,600	5,040	18 50
60	70	4,200	5,880	18 50
70	80	4,800	6,720	20 00
80	100	6,000	8,400	26 00
100	150	7,000	9,800	37 50
150	200	7,000	9,800	52 50
200	300	8,000	11,200	60 00
300	400	9,000	12,600	75 00
400	...	10,000	14,000	87 50

2. If a workman employed in any employment specified in part A of Schedule III contracts any disease specified therein as an occupational disease peculiar to that employment, or if a workman, whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months (which period shall not include a period of service under any other employer in the same kind of employment) in any

employment specified in Part B of Schedule III, contracts any disease specified therein as an occupational disease peculiar to that employment, or if a workman whilst in the service of one or more employers in any employment specified in part C of Schedule III for such continuous period as the Central Government may specify in respect of each such employment, contracts any disease specified therein as an occupational disease peculiar to that employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section and, unless the contrary is proved, the accident shall be deemed to have arisen out of, and in the course of, the employment.

2-A. if any disease specified in part C of Schedule III as an occupational disease perculiar to that employment has been contracted by any workman during the continuous period specified under sub-section (2) in respect of that employment and the workman has during such period been employed in such employment under more than one employer, all such employers shall be liable for the payment of compensation under this Act in such proportion as the Commissioner may in the circumstances, deem just.

SCHEDULE III

(Section 3)

List of Occupational Diseases

Occupational disease	Employment
PART A	
Anthrax	Any employment— (a) involving the handling of wool, hair bristles or animal carcases or parts of such carcases, including hides, hoofs and horns; or (b) in connection with animals inflected with anthrax; or (c) involving the loading, unloading or transport of any merchandise

List of Occupational Diseases (*contd.*)

Occupational disease	Employment
Compressed air illness or its sequelae	Any process carried on in compressed air ;
Poisoning by lead tetra ethyl.	Any process involving the use of lead tetra ethyl.
Poisoning by nitrous fumes.	Any process involving exposure to nitrous fumes.
Poisoning by organic phosphorus insecticides.	Any process involving the use or handling or exposure to the Fumes dust or vapour containing any organic phosphorus insecticide.
PART B	
Poisoning by lead, its alloys or compounds or its sequelae excluding poisoning by lead tetra ethyl.	Any process involving the handling or use of lead ore or lead or any of its preparations or compounds except lead tetra ethyl.
Poisoning by phosphorous or its compounds, or its sequelae.	Any process involving the liberation or use or handling of Phosphorous or its preparations or compounds.
Poisoning by mercury, its amalgams and compounds or its sequelae.	Any process involving the use of mercury or its preparations or compounds.
Poisoning by benzene, or its homologues their amido and nitroderivatives or its sequelae.	Any process involving the manufacture, liberation or use of benzene, benzene homologues and their amido and nitro-derivatives.
Chrome ulceration or its sequalae.	Any process involving the use of chromic acid or bichromate or ammonium pottasium or sodium. or their preparations or the manufacture of bichromate.
Poisoning by arsenic or its compounds, or its sequaelae.	Any process involving the production liberation or utilisation of arsenic or its compounds.

List of Occupational Diseases (*contd.*)

Occupational disease	Employment
Pathological manifestations due to :—	Any process involving exposure to the action of radium, radioactive substances, or X-rays.
Primary epithelliomatous cancer of the skin.	Any process involving the handling or use of tar, pitch, bitumen, mineral Oil, paraffin or the compounds, products or residues of these substances.
Poisoning by halogenated hydrocarbons of the aliphatic series and their halogen derivatives.	Any process involving the manufacture, liberation and use of hydrocarbons of the Aliphatic series and their halogen derivatives.
Poisoning by carbon disulphide or its sequelae.	Any employment in— (a) the manufacture of carbon disulphide ; or (b) the manufacture of artificial silk by viscose prccess ; or (c) rubber industry ; or (d) any other industry involving the production or use of products containing carbon disulphide or exposure to emanations from corbon disulphide.
Occupational cataract due to infra-redr adiations.	Any manufacturing process involving exposure to glare from molten material or to any other sources of infra-red radiations.
Poisoning by manganese or a compound of manganese or its sequelae.	Any process involving the use of, or handling of, or exposure to the fumes, dust or vapour of, manganese or a compound of manganese or a substance containing manganese."
Telegraphist 's Cramp.	Any employment involving the use of the telegraphic instruments.

List of Occupational Diseases (*contd.*)

Occupational disease	Employment
	PART C
Silicosis.	Any employment involving exposure to the inhalation of dust containing silica.
Coal Miners' Pneumoconiosis.	Any employment in coal mining.
Asbestosis	Any employment in— (1) The production of— (i) fibro cement materials; or (ii) asbestos mill board; or (2) the processing of ores containing asbestos.
Bagassosis.	Any employment in the production of bagasse Millboard or other articles from bagasse.
	Section—9
Compensation not to be assigned, attached or charged.	Save as provided by this Act, no lump sum or half monthly payment payable under this Act shall in any way be capable of being assigned or charged or be liable to attachment or pass to any person other than the workman by operation of law, nor shall any claim be set off against the same.
	Section—10
Notice and claim	(1) No claim for compensation shall be entertained by a Commissioner unless notice of the accident has been given in the manner hereinafter provided as soon as practicable after the happening thereof and unless the claim is preferred before him within (two years) of the occurrence of the accident or in case of death, within (two years) from the date of death.

List of Occupational Diseases (*contd.*)

Occupational disease	Employment
	Provided that, where the accident is the contracting of a disease in respect of which the provisions of sub-section (2) of Section 3 are applicable, the accident shall be deemed to have occurred on the first of the days during which the workman was continuously absent from work in consequence of the disablement caused by the disease; Provided further that the want of or any defect or irregularity in a notice shall not be a bar to the (entertainment of a claim). (*a*) If the claim is (preferred) in respect of the death of a workman resulting from an accident which occurred on the premises of the employer, or at any place where the workman at the time of the accident was working under the control of the employer or of any person employed by him, and the workman died on such premises or at such place, or on any premises belonging to the employer, or died without having left the vicinity of the premises or place where the accident occurred. or (*b*) if the employer (or any one of several employers or any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed) had knowledge of the accident from any other source at or about the time when it occurred. Provided, further, that the Commissioner may (entertain) and decide

List of Occupational Diseases (*contd.*)

Occupationl disease	Employment
	any claim to compensation in any case notwithstanding that the notice has not been given, or the claim has not been (preferred), in due time as provided in this sub-section, if he is satisfied that the failure so to give the notice or (prefer) the claim, as the case may be, was due to sufficient cause. (2) Every such notice shall give the name and address of the person injured and shall state in ordinary language the cause of the injury and the date on which the accident happened, and shall be served on the employer or upon (any one of) several employers or upon any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed. (3) The (State Government) may require that any prescribed class of employers shall maintain at their premises at which workmen are employed a notice-book, in the prescribed form, which shall be readily accessible at all reasonable times to any person acting *bona fide* in his behalf. (4) A notice under this section may be served by delivering it at, or sending it by registered post addressed, to, the residence or any office or place of business of the person on whom it is to be served, or, where a notice book is maintained, by entry in the notice-book.

List of Occupational Diseases (*contd.*)

Occupationl disease	Employment
	Section—12
Contracting.	(1) Where any person (hereinafter in this section referred to as the principal) in the course of or for the purposes of his trade or business contracts with any other person (hereinafter in this section referred to as the Contractor) for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the trade or business of the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from the principal, this Act shall apply as if references to the principal were substituted for references to the employer except that the amount of compensation shall be calculated with reference to the wages of the workman under the employer by whom he is immediately employed. (2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by the contractor (or any other person from whom the workman could have recovered compensation and where a contractor who is himself a principal is liable to pay compensation or to indemnify a principal under this Section he shall be entitled to be indemnified by any person standing

List of Occupational Diseases (*contd.*)

Occupa:ionl disease	Employment
	to him in the relation of a contractor from whom the workman could have recovered compensation) and all questions as to the right to and the amount of any such indemnity shall, in default of agreement, be settled by the Commissioner. (3) Nothing in this section shall be construed as preventing a workman from recovering compensation from the contractor instead of the principal. (4) This section shall not apply in any case where the accident occurred elsewhere than on, in or about the premises on which the principal has undertaken or usually undertakes, as the case may be, to execute the work or which are otherwise under his control or management.
	Section—17
Contracting Out.	Any contractor agreement whether made before or after the commencement of this Act, whereby a workman relinquished any right of compensation from the employer for personal injury arising out of or in the course of the employment, shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Act.
	Section—24
Appearance of parties	Any appearance, application or act required to be made or done by any person before or to a Commissioner

List of Occupational Diseases (*concld.*)

Occupational disease	Employment
	(other than an appearance of a party which is required for the purpose of his examination as a witness) may be made or done on behalf of such person by a legal practitioner or by an official of an Insurance Company or a registered Trade Union or by an Inspector appointed under sub-section (1) of Section 8 of the Factories Act, 1948, or under sub-section (1) of Section 5 of the Mines Act, 1952, or by any other officer specified by the State Government in this behalf, authorised in writing by such person, or with the permission of the Commissioner, by any other person so authorised.

[No PLM 19 LWA 62.]

By Order and in the name of the Governor of Mysore,

K. M. SOMASHEKAR, *Under Secy.*